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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

DIRECTV, INC. : DOCKET NO. 2:04 CV 0183
VS. : JUDGE MINALDI
NEIL BROUSSARD : MAGISTRATE JUDGE WILSON

MEMORANDUM ORDER

IT IS ORDERED that Directv's Motion for Reconsideration of the Memorandum Ruling Granting In Part the Defendant's Motion for Summary Judgment IS DENIED. The Fifth Circuit opinions cited by the plaintiff, *Directv v. Minor*¹, and *Directv v. Robson*², do not hold that there is a private right of action pursuant to 18 U.S.C. 2511. Both of these cases involve the reversal of summary judgments granted to the respective defendants. The court discussed what burden of proof is necessary to sustain a summary judgment on "interception" under the statutes. At best the statement that Directv could pursue civil actions under 18 U.S.C. §2520 based on violations of 18 U.S.C. 2511 is dicta. The Fifth Circuit did not discuss the private right of action under 2511, therefore this court is not bound by these decisions.

Lake Charles, Louisiana, this 19 day of September, 2005.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE

¹ 2005 WL 1870779 (5th Cir. 2005)

² 2005 WL 1870775 (5th Cir. 2005)